

10-144

MAINE DEPARTMENT OF HUMAN  
SERVICES

BUREAU OF FAMILY INDEPENDENCE

CHAPTER 609

ASPIRE-JET PROGRAM RULES

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ASPIRE-JET PROGRAM RULES

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## 10-144 MAINE DEPARTMENT OF HUMAN SERVICES

## BUREAU OF FAMILY INDEPENDENCE

Chapter 609: ASPIRE-JET PROGRAM RULES

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SUMMARY: This rule describes the authorization, goals, administration, and operating procedures of the ASPIRE-JET employment and training program for Food Stamp recipients.

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## SECTION 1: AUTHORIZATION AND ADMINISTRATION

AUTHORIZATION - The Maine Department of Human Services, Bureau of Family Independence, is authorized to operate the ASPIRE-JET (Job Exploration and Training) employment and training program for Food Stamp recipients under provisions of the federal Food Stamp Act of 1977 (P.L. 93-133, Section 17), as amended by the Food Security Act of 1985 (P.L. 99-1988); the Hunger Prevention Act of 1988 (P.L. 100-534); and by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Balanced Budget Act of 1997. It is authorized by Maine law at 22 MRSA 3104. It is governed by regulations promulgated by the U.S. Department of Agriculture, Food and Nutrition Service, as set forth at 7 CFR.

## ADMINISTRATION -

1. USDA/FNS - The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS), is the federal government body which has regulatory oversight, provides the federal portion of funding and approves periodic program plans for the ASPIRE-JET program.
2. DHS/BFI - The Department of Human Services (DHS), is the state agency designated by the USDA/FNS for the administration of both the Food Stamp Program and ASPIRE-JET. Within DHS, the programs are administered by the Bureau of Family Independence (BFI).

## SECTION 2: PROGRAM GOAL, SERVICE PRIORITY AND SERVICE AREA

**GOAL** - The goal of the ASPIRE-JET program is to provide Food Stamp recipients with an array of employment, training and support services (within limitations imposed by program funding and rules) so that they can obtain employment which will either reduce or eliminate their dependency on Food Stamps.

**SERVICE PRIORITY** - The first priority of ASPIRE-JET is to provide services to mandatory work registrants, as defined in Section – 111-7 of the Food Stamp Certification Manual. In any local service area, voluntary work registrants (those not required to work register) will receive service after all available mandatory work registrants have received service, and if funding and other resources permit. Able Bodied Adults Without Dependents (ABAWDS) who volunteer per Section 3, will be given the same service priority as mandatory work registrants.

**SERVICE AREA** – The ASPIRE-JET service area conforms to those service areas determined to be non-waivered areas for special work requirements for Able Bodied Adults Without Dependents (ABAWDs). By contrast, waived areas are those areas of the state approved as such periodically by the USDA-FNS in which the unemployment rates exceed 110% of the national average for unemployment levels. Waivered areas are listed in Section 111-7 of the Food Stamp Certification Manual.

### SECTION 3: ABAWD SERVICE

ABAWD - (ABLE BODIED ADULT WITHOUT DEPENDENTS) - ABAWDs are a sub-group of mandatory work registrants designated by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Their ability to receive Food Stamps is time limited to three (3) months out of a thirty-six (36) month period unless they are engaged in special work requirements, or reside in a waived area. ABAWDs living in non-waived areas may be subject to exemption from special work requirements due to language limitations, inadequate education, homelessness, or inadequate transportation. Exemption criteria, age and other factors that distinguish ABAWDs from other work registrants are detailed in the Food Stamp Certification Manual at Section 111-7.

ABAWD QUALIFYING ACTIVITY – A month does not count against the three (3) month time limit if the ABAWD participates in designated work activities. These include: participating in a Workforce Investment Act or Trade Adjustment Act program, or an employment and training program like ASPIRE-JET (but not in job search, unless part of a workfare assignment) for twenty (20) hours per week averaged monthly; being in paid employment at least twenty (20) hours per week averaged monthly; being in self-employment of twenty (20) hours per week averaged monthly and receiving weekly earnings of the federal minimum wage times twenty (20) hours; or participating in a workfare or community service activity at least twenty-four (24) hours per month.

ABAWD SERVICE - In order to allow ABAWDs in non-waived areas to expeditiously begin fulfilling work requirements and thereby enable them to retain Food Stamps beyond the time limit, at the time of eligibility determination, ABAWDs will be given a list of community agencies that may provide opportunities for them to fulfill work requirements through community service activities. It will be the ABAWDs' responsibility to voluntarily self-refer and self-initiate these activities, and to provide evidence of compliance at intervals requested by the Department. ABAWDs may request to enter ASPIRE-JET at any time in order to avail themselves of the full range of services, and will be considered to be voluntary participants. As such, they will not be subject to loss of food stamps due to ASPIRE-JET sanctions, but will remain subject to rules pertaining to ABAWDs.

## SECTION 4: ASPIRE-JET SERVICES AND PARTICIPANT FLOW

**ORIENTATION** - Each individual enrolled in ASPIRE-JET will participate in an individual or group orientation. Orientation will consist of an overview of ASPIRE-JET rules, including available services, components, training related expense reimbursements and dependent care assistance, good cause and participant rights and responsibilities. Orientation will be followed by an assessment.

**ASSESSMENT** - During the assessment, ASPIRE-JET staff will review the participant's education and employment history, employment and training interests, barriers to employment, support service needs (e.g. dependent care and transportation) and will develop an Employability Development Plan (EDP). During the assessment process, ASPIRE-JET may determine that the person's participation should be temporarily deferred, or that the registration status should be re-evaluated by the BFI Eligibility Unit.

**EMPLOYABILITY DEVELOPMENT PLAN (EDP)** - The EDP is a contract between ASPIRE-JET and the participant which outlines the responsibilities of each party, including services to be provided by ASPIRE-JET, and actions to be taken by the participant to achieve a short or long term employment related goal. The EDP may be written for whatever period is necessary to accomplish foreseeable steps to attain the goal up to a period of six (6) months. After six months it must be reevaluated and re-written. The EDP must be re-written when there is a change in circumstances affecting progress, or there is a change in goals or services needed. Every effort will be made to develop the EDP with mutual agreement between ASPIRE-JET and the participant. If differences remain, ASPIRE-JET will make the final determination as to content of the EDP. The EDP will list the training and employment related activities in which the participant will engage, as well as performance expectations.

COMPONENTS -. Components will be operated where available, and when written agreements have been established, under the State's Workforce Investment Act Plan, by the State's Workforce Development System. Until such time as written agreements are in place with the WDS, ASPIRE-JET may make referrals to WDS on a case-by-case basis, or may operate components internally, or by referral to community agencies, and educational institutions which can provide component services. There are three components which are approved by USDA-FNS for participant enrollment. Components are described as follows:

1. EDUCATION -The Education Component provides services to participants who require additional education prior to their entering the Job Skills Training Component or the Job Search Component. Activities in this component are limited to the following and must be directly linked to improving participant employability:
  - a. Remedial Education - to improve basic literacy, math, and other academic skills.
  - b. Prevocational Activities - to establish employment goals; and improve self-esteem, communication skills, decision making skills, and life management skills.
  - c. High School Equivalency (GED) Preparation - to enable the participant to obtain a high school equivalency diploma.
2. JOB SKILLS TRAINING - The Job Skills Training Component provides occupational training or skill upgrading to enable participants to obtain employment. Training is provided for occupations for which there is a current or anticipated demand in the labor market. Activities in this component are limited to:
  - a. Customized Occupational Training - designed to meet the need of a specific employer.
  - b. General Skills Training - consisting of a course or classes where a participant receives instruction in specific job skills determined by industry standards to meet labor market needs.

(NOTE: ASPIRE-JET will not support participants in "post-secondary" education, which is defined as a program that offers a degree.)

3. **JOB SEARCH** - The Job Search Component sharpens job seeking skills and links participants who are either job ready or almost job ready with the labor market. Activities in this component are limited to the following:
  - a. **Job Counseling** - Includes the provision of labor market information, other employment related information, and job development and placement services, to individual participants or participants in small groups.
  - b. **Individual Job Search** - Consists of an individual, self-directed job search activity during which the participant keeps employer contact logs which are reviewed periodically by ASPIRE-JET.
  - c. **Group Job Search** - Consists typically of one week of group instruction in job seeking skills and two weeks (with extensions possible) of organized, self-directed job search with ongoing meetings with the group for support and feedback. Participants keep job contact logs as in individual job search. The format and length of group job search may vary.

**LIMITS ON COMPONENT PARTICIPATION** - The total hours per month of participation for any individual ASPIRE-JET participant in a non-work (e.g. education, classroom training) activity [together with any hours worked in a workfare program or any hours worked for compensation (cash or in-kind) if applicable] cannot exceed one hundred twenty (120). ASPIRE-JET participants will not be enrolled in an activity which involves less than twelve (12) hours per month for two months. Work registrants enrolled in a job search activity will not be required to conduct job search in excess of twelve (12) weeks in any twelve (12) month period. When this limit is reached, the individuals will be reassessed for possible enrollment in another component to improve employability. An additional twelve (12) weeks of job search may be required following each break in the receipt of food stamps.



COMPLETION OF ASPIRE-JET - A participant will have completed participation requirements under ASPIRE-JET until the next time that registration is required in accordance with Section 111-5 of the Food Stamp Certification Manual(e.g. at one year from the last date of registration or when there has been a break in receipt of Food Stamps) when:

1. the participant has completed twelve (12) weeks of job search within a twelve (12) month period without obtaining suitable employment, and ASPIRE-JET determines that the participant's employability would not be improved by placement in a component other than job search;
2. the participant obtains suitable employment either full time (30 hours per week), or less than full time if approved by ASPIRE-JET;
3. ASPIRE-JET determines that the participant cannot benefit further from additional ASPIRE-JET activity.

## SECTION 5: APPOINTMENT SCHEDULING AND PARTICIPANT PERFORMANCE REQUIREMENTS

**APPOINTMENT SCHEDULING** - Participants are expected to keep all appointments scheduled by ASPIRE-JET, as well as appointments with agencies providing services under agreement with ASPIRE-JET, employers, and other entities that are part of the service system, unless there is good cause.

ASPIRE-JET will provide notification of appointments in the following manner:

1. For initial appointment and appointments prior to EDP development, ASPIRE-JET will notify participants by mail. The letter will indicate the date and time and purpose of the appointment and will list the participant's rights and responsibilities on the reverse side. The letter will be mailed at least ten (10) working days prior to the appointment. The letter will state that if unable to attend the participant must notify ASPIRE-JET prior to the appointment date, or by the appointment date if circumstances prevent prior notice. ASPIRE-JET will determine from information provided by the participant if good cause exists for failure to keep the appointment.
2. If the participant fails to appear for the appointment and has failed to contact ASPIRE-JET in advance or by the date of the appointment with good cause (as determined by ASPIRE-JET) ASPIRE-JET will send a notice of non-compliance to the BFI Eligibility Unit requesting that sanction be initiated.
3. Once the EDP is established, scheduling of additional appointments may be done at the discretion of ASPIRE-JET either by placing the time and date of the appointment on the EDP, or by sending the participant an appointment letter, or by orally scheduling the appointment. If the participant fails to keep the appointment and fails to provide good cause (as determined by ASPIRE-JET) steps in Section 5, 2 will be followed.

PARTICIPANT PERFORMANCE REQUIREMENTS - Participants enrolling in ASPIRE-JET components must adhere to performance requirements. These requirements will be made part of the EDP. At a minimum, the requirements will include the following:

1. Attending classes as scheduled and participating as required by the activity. There must be good cause for absences.
2. Reporting to ASPIRE-JET in advance (unless circumstances prevent advance notification) and receiving approval for good cause for discontinuing the activity.
3. Making satisfactory progress in accordance with standards established by the organization administering the education or training program and approved by ASPIRE-JET, or standards established by ASPIRE-JET in the absence of organizational standards. Satisfactory progress includes completion of the education or training program within the time period normally expected for participant completion. There must be good cause for failure to make satisfactory progress
4. Providing copies of grades, transcripts or certificates to ASPIRE-JET at appropriate intervals and upon completion of the education or training program.
5. If enrolled in Job Search, contacting a minimum of eighteen (18) employers (if the participant resides in an urban area with a population of 40,000 or more) or twelve (12) employers (if the participant lives in a rural community with a population of less than 40,000) during any thirty (30) day period. Fewer contacts may be required by ASPIRE-JET if the participant's circumstances or the labor market situation make fewer contacts reasonable, or the job search period is made shorter as part of the EDP. Employer contacts will be maintained on a job contact log which provides information that will enable ASPIRE-JET to verify the contact if necessary.
6. Other requirements may be added to the EDP to fit a particular education or training program.

## SECTION 6: TRAINING RELATED AND DEPENDENT CARE EXPENSE PAYMENTS

**ELIGIBILITY FOR PAYMENTS** - An ASPIRE-JET participant becomes eligible for training related and dependent care expense payments on the date of active enrollment in an approved ASPIRE-JET component, and for each month that the participant remains actively enrolled in a component. The participant will also receive training related and dependent care expenses for the first thirty-one (31) calendar days of employment obtained as a result of ASPIRE-JET participation.

**TRAINING RELATED EXPENSES** - A participant will be eligible for up to \$25.00 per month for training related expenses (other than dependent care) which are incurred directly as a result of component participation. If a private vehicle is used, reimbursement will be made at the current rate per mile paid by the ASPIRE-TANF program for the most direct route (including stops at a child care provider) to and from the component site. A private vehicle must be properly registered and insured, and the driver must be legally licensed. The reimbursement may also be used for such expenses as books, education fees, occupational clothing and equipment, and other needs approved by ASPIRE-JET as being legitimate costs of participation.

**DEPENDENT CARE** - A participant who has dependents who require care during the hours the participant is actively engaged in a component activity, is eligible for the actual costs or the limits established by periodic local market survey for ASPIRE-TANF participants for dependent care (whichever is less) per dependent per month to cover dependent care costs. If the dependent is a child under age thirteen (13), and the child care is not provided by a licensed or registered facility, the child care arrangement must be approved prior to payment by ASPIRE-JET. Approval will include, at a minimum, a check of the provider for present or prior child protective services involvement, checks with the State Bureau of Identification and Department of Motor Vehicles, and other approval procedures (such as a home visit) as may be deemed necessary on a case-by-case basis. A provider who is caring for more than two (2) children who are unrelated to the provider must be licensed or registered prior to being paid by ASPIRE-JET.

**BENEFIT MONTH** - During any month of participation, regardless of when in the month the individual starts actively participating, the participant can be reimbursed for up to \$25 for actual costs of training related expenses and for actual costs for dependent care, subject to the limits above, for the calendar month.

**VENDOR PAYMENTS** - The participant may elect to have service vendors paid directly by ASPIRE-JET, or may be reimbursed by ASPIRE-JET, for approved expenditures up to limits specified above. In either case, no payment will be made without proof of expense.

**ADVANCE PAYMENTS** - If it is impossible for a participant to enter a component without payment in advance to cover anticipated expenses, ASPIRE-JET may provide an advance payment for training related expenses (but not dependent care) up to the monthly maximum. The participant must produce evidence that the advance payment was used appropriately. Advance payments will occur, if needed, one time only for each participant.

**NON-CUMULATIVE** - The \$25.00 training related expense reimbursement is not cumulative from one month to another.

**LEAST EXPENSIVE ALTERNATIVE** - Any training related expense or dependent care service for which ASPIRE-JET is to make payment must be the least expensive quality alternative available without causing delay or hindering progress of the EDP.

## SECTION 7: PARTICIPANT RIGHTS AND RESPONSIBILITIES

Participants have certain rights and responsibilities in relation to the ASPIRE-JET program. Rights include being made aware of what services the program offers, good cause, the availability of conciliation and administrative hearings, and sanctions that may be applied for failure to comply with ASPIRE-JET rules. Responsibilities include following the rules of the program with regard to participation, keeping appointments and abiding by provisions of the EDP.

Registrants will be advised orally and in writing of their rights and responsibilities at the time of orientation.

A written notice of rights and responsibilities will be printed on the back of all correspondence sent to participants, and on the back of the EDP, and will be brought to the attention of participants when the EDP is signed.

## SECTION 8: SANCTIONS

**SANCTION** - A sanction is the reduction or termination of food stamp benefits for a specified time period as a result of failure by a participant to comply with ASPIRE-JET program rules. Sanctions are applied in accordance with the Food Stamp Certification Manual Section 111-5.

**SANCTIONABLE ACTS** - The following are sanctionable acts for which sanctions will be applied if there is not good cause:

1. Failure to appear for an appointment.
2. Failure or refusal to sign or abide by provisions listed on the EDP, including performance requirements while enrolled in components.
3. Seriously disrupting an ASPIRE-JET activity or acting in a manner which constitutes a threat or hazard to others.
4. Failure to report to an employer when referred, complete an employment application, participate in an employment interview or accept suitable employment.

**ASPIRE-JET SANCTION PROCEDURES** - If the sanctionable act is failure to keep an appointment scheduled by letter, a notice of non-compliance will be sent to the BFI Eligibility Unit within five (5) working days of the missed appointment.

When a sanctionable act has been committed that did not involve written notice, such as disruption of an activity or threat, ASPIRE-JET will send a notice to the participant giving specifics of the allegations along with a notice of rights and responsibilities. The participant will have ten (10) days from the date of the notice to respond with good cause. ASPIRE-JET will send a notice of non-compliance to the BFI Eligibility Unit within five (5) working days of the end of the ten day response period (or discontinuance of conciliation), if good cause has not been shown.

**SANCTION OF VOLUNTARY PARTICIPANTS** - Voluntary participants may be sanctioned in accordance with this section, but will not lose Food Stamp benefits. ASPIRE-JET services will be denied for the sanction period when a voluntary participant is sanctioned.

## SECTION 9: GOOD CAUSE

GOOD CAUSE - Sanctionable acts will be excused if good cause exists for the commission of those acts. Good cause reasons include those listed below:

1. Illness or incapacitation of the participant or a family member which requires the presence of the participant. Verification by physician may be required.
2. Sexual harassment occurring while a participant is engaged in ASPIRE-JET activities.
3. Court required appearance or incarceration.
4. Lack, or breakdown, of necessary support services such as child care or transportation with no alternative available at no additional cost to the participant.
5. Inclement weather which is serious enough to prevent other participants from traveling to the activity.
6. Assignment of a participant to an activity which has not been made part of the EDP (other than orientation or assessment which predate EDP development), or which is in violation of ASPIRE-JET rules.
7. Assignment to an activity which requires the participant to relocate outside the immediate geographical area (an area within a two (2) hour round trip commute), unless the participant has voluntarily elected to relocate.
8. Inability to participate due to domestic violence when the person is unable to participate due to physical injuries or psychological affects of abuse; because of legal proceedings counseling or other activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other good cause related to domestic violence. Reasonable and verifiable evidence may be required by ASPIRE-JET.
9. Other circumstances beyond the control of the participant or that a reasonable person would consider to be good cause.



**PARTICIPANT RESPONSIBILITY** - It is the responsibility of the participant to demonstrate to ASPIRE-JET that good cause exists and to provide documentation or other proof of good cause when requested. Failure to do so to the satisfaction of ASPIRE-JET will result in sanction.

**GOOD CAUSE FOR FAILING TO ACCEPT EMPLOYMENT** - Participants must accept suitable employment. Employment is not suitable if:

1. it pays less than the Maine minimum wage; or less than eighty percent (80%) of the minimum wage, if the minimum wage is not applicable; or is at a piece-rate which results in an hourly yield less than the Maine minimum wage;
2. it is unreasonably dangerous to health or safety;
3. commuting time each day is more than two (2) hours, or the distance is unreasonable considering the wage, commuting time and costs; or walking is impractical and there is a lack of public or private transportation;
4. there is a strike or lock-out at the work site that has not been enjoined under law;
5. it interferes with the participant's religious beliefs;
6. the participant is physically or mentally unable to do the work as documented by medical evidence;
7. a condition of employment requires the participant to join, resign from or refrain from joining a legitimate labor organization;
8. if the job is offered within thirty (30) calendar days of initial registration, it is outside the registrant's major field of experience. A participant is required to accept an otherwise suitable job when offered after the first thirty (30) days;
9. for any other reason, the employment offered is not in compliance with state and federal law.

## SECTION 10: CONCILIATION AND ADMINISTRATIVE HEARINGS

**CONCILIATION** - Conciliation meetings are informal meetings which are designed to resolve program related disputes between ASPIRE-JET and the participant, without going to administrative hearing.

The following conditions apply to conciliation:

1. ASPIRE-JET will attempt to establish conciliation prior to issuing a notice of non-compliance to the Eligibility Unit in instances where it is reasonable to believe that issues contributing to non-compliance may be resolved. Conciliation will only be available to those with whom an EDP has been established. It will not be available to those who have missed initial appointments. An ASPIRE-JET request for conciliation will be made in writing within the (10) calendar days of the date of an adverse action or an action which is known to be in dispute. The participant may also initiate conciliation in instances where an action by ASPIRE-JET is disputed, although non-compliance may or may not be at issue. The participant must make the request orally or in writing within ten (10) calendar days of the date the disputed action was received or acknowledged by the participant. If the participant's request is timely, the disputed action will not take effect pending completion of conciliation. Non-disputed actions must still take effect.
2. The conciliation process must not exceed thirty (30) calendar days from the first meeting. If agreement has not been reached at the end of this period, the disputed decision will remain in force unless overturned by administrative hearing.
3. Either the participant or ASPIRE-JET may terminate conciliation at any time either party believes it is unproductive. If either party terminates conciliation, the action will remain in force unless overturned by administrative hearing.

4. The participant may request an administrative hearing in addition to or instead of conciliation, providing the request is in accordance with time limits set forth for administrative hearings. If a timely request for conciliation is made, an administrative hearing request may be made within ninety (90) days of the conciliation decision.
5. Any changes resulting from conciliation will be placed on the EDP. If there is no change, original actions will remain in force unless overturned by administrative hearing.
6. The participant may have the same representation and access to records as allowed for administrative hearings.

#### ADMINISTRATIVE HEARINGS

1. **RIGHT TO A HEARING** - The participant has the right to an administrative hearing whenever the participant disputes action by ASPIRE-JET involving either the EDP (including suspension, reduction, or discontinuance of program services) or the allegation by ASPIRE-JET that a sanctionable act has been committed. Hearing decisions are binding on ASPIRE-JET and, when appropriate, will be made part of the EDP.
2. **CONDUCTED BY HEARINGS UNIT** - Administrative hearings will be conducted by the Department's Administrative Hearings Unit in accordance with the Administrative Hearings Manual, and in accordance with the Maine Food Stamp Certification Manual, Section 777-1.
3. **TIME LIMITS** - A request for an administrative hearing must be made within ninety (90) calendar days of the individual's being sent a notice of adverse action or notice of other action in dispute. If the request for an administrative hearing is made within twelve (12) calendar days of the participant being sent a notice of adverse action or other action in dispute, benefits will continue as described below.

4. **BENEFIT CONTINUATION** - If the disputed action involves sanction and the removal of Food Stamp benefits, or the removal of services previously granted and made part of an EDP, such services and benefits will continue at the level authorized immediately prior to the notice being sent, and at the individual's request, pending the outcome of the administrative hearing. Food Stamp benefits will continue under conditions set forth in Food Stamp Certification Manual, Section 777-1. However, if an administrative hearing decision is not in the individual's favor, Food Stamp benefits will have to be repaid to the Department retroactive to the date that benefits could have been reduced.
5. **REQUEST** - ASPIRE-JET or the BFI Eligibility Unit will complete a request for administrative hearing on behalf of the participant and forward it to the Administrative Hearings Unit, or the participant may request a hearing directly by contacting the Hearings Unit.
6. *(Not in use.)*
7. **REPRESENTATION** - The participant may be assisted by a representative of his/her choice including legal counsel. If requested by the participant, ASPIRE-JET will help contact free legal counsel and will otherwise help the participant prepare for the administrative hearing.
8. **ACCESS TO RECORDS** - With the advance notice of one working day, the participant may have access to the case record on the premises where it is ordinarily kept and may receive photocopies of the case record or portions of the case record and any other Department documents which are relevant to the administrative hearing. Certain costs for photocopying may apply.
9. **INAPPROPRIATE FOR HEARING** - A participant may not be granted an administrative hearing if a reduction in services or benefits is as a result of an overall reduction in program funding which affects all participants, unless the participant can demonstrate that there has been inequitable treatment in comparison to other similarly situated participants.

10. RIGHTS AT HEARING - At the administrative hearing the participant shall have the right to:
- a. present witnesses;
  - b. be assisted by the representative of his/her choice;
  - c. introduce evidence from the case record and other Department documents;
  - d. present and establish all relevant facts and circumstances by oral testimony and documentary evidence;
  - e. advance pertinent arguments without interference;
  - f. question any testimony, and confront and cross-examine adverse witnesses.

## SECTION 11: DEFERRALS FROM PARTICIPATION

DEFERRALS - Food stamp recipients who are required to register for ASPIRE-JET in accordance with Food Stamp eligibility criteria may be deferred from participation in ASPIRE-JET at the time of assessment, or during other phases of the program, if participating is impractical. Should a participant appear for assessment who should have been exempted from initial program registration by the BFI Eligibility Unit, that individual will be referred back to the Eligibility Unit to have the registration status reviewed. Should the BFI Eligibility Unit determine, upon review, that registration is appropriate, the individual may be deferred from participation. The following are reasons for deferral from participation and will be determined on a case-by-case basis by ASPIRE-JET:

1. The participant resides at such a distance from the ASPIRE-JET that the \$25.00 per month available for transportation reimbursement and other training related expenses, is insufficient to cover the costs to the individual of participating in ASPIRE-JET; OR the participant has other transportation difficulties which preclude participation.
2. The participant has serious personal or family problems which preclude participation.
3. The participant has an unstable domicile arrangement, or is homeless, which makes participation impractical.
4. The participant has a supportive service need (including dependent care) which cannot be remedied by ASPIRE-JET.
5. The participant is awaiting trial, sentencing or incarceration.
6. The participant has mental or physical health problems which temporarily preclude participation, but do not meet criteria for exemption described in the Food Stamp Certification Manual.

7. The participant is working less than thirty (30) hours per week or is earning less than thirty (30) times the federal minimum wage, and is unable to work more hours or for a higher wage due to temporary personal, health or other circumstances, which do not meet the criteria for exemption according to the Food Stamp Certification Manual.
8. The participant is enrolled in an education, training or workfare activity, other than through ASPIRE-JET, which involves a minimum effort of twelve (12) hours per month for two months, but is not exempted from work registration.
9. The participant is on temporary layoff or otherwise has pending employment.
10. Other valid reasons as determined by ASPIRE-JET.

DEFERRAL DURATION - A deferral from participation will be granted for as long as necessary up to six (6) months, at which point it will be reviewed to see if the circumstances are such that the deferral should be terminated or continued. A deferral based on the participant living too far from an ASPIRE-JET site for full costs for travel to be reimbursed, will be granted until the individual is required to reregister for ASPIRE-JET. A deferral for temporary layoff or pending employment will not exceed ninety (90) calendar days, after which the participant must be enrolled in an appropriate ASPIRE-JET activity.

## SECTION 12: CONFIDENTIALITY

Release of information about an ASPIRE-JET participant to other Bureaus and Divisions within the Department of Human Services and to agencies under agreement with the Department to provide services to ASPIRE-JET participants, or other agencies providing services, will be made only when such release is directly related to that individual's participation in ASPIRE-JET or eligibility for benefits provided by the Department or other agencies.

Release of information to entities other than those describe above will be made only upon receipt of written permission from the participant. Other entities include governmental authorities (local, state and federal), courts of law, except as provided below, and law enforcement agencies, except as provided in this Section.

Exceptions to the requirement of obtaining the participant's written permission for release of information outside the Department are as follows:

1. In an emergency situation when the participant's consent for release of information cannot be obtained, and ASPIRE-JET decides it is in the best interest of the participant to release the requested information, ASPIRE-JET may release such information without written permission of the participant, with approval of a supervisor or supervisor's designee. The participant will be notified as soon as possible about the release and the reason for such release.
2. Release of information to employers may be made as part of a job development activity providing that activity is included in the EDP which has been signed by the participant.
3. If a subpoena or order is issued from a court for a case record, or for ASPIRE-JET staff to testify concerning a participant, ASPIRE-JET will call the court's attention to statutory provisions and regulations against disclosure of information. The decision regarding release of information will reside with the presiding judge.



4. The address, social security number (and photograph if available), of the participant or any member of the participant's household, may be made available to a federal, state or local law enforcement officer if the officer furnishes ASPIRE-JET with the name and notifies ASPIRE-JET that:
  - a. the person is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) that, under the law of the place the person is fleeing, is a felony (or in New Jersey, a high misdemeanor) or is violating a condition of probation or parole imposed under federal or state law; or has information that is necessary for the officer to conduct an official duty related to such person;
  - b. the location or apprehension of the participant is within the officer's official duties; and
  - c. the request is made in proper exercise of those duties.
5. In circumstances other than those covered in Section 12,4 when ASPIRE-JET employees are asked by a law enforcement officer for the current address or other information regarding a participant, the employee should state that ASPIRE-JET has no legal authority to disclose the information; but that ASPIRE-JET will contact the participant and ask for permission to discuss the information, or to encourage the participant to come forward.

Information contained in the case record and deemed confidential by ASPIRE-JET (e.g., names of persons providing information, or information about other persons, of which the participant should not be aware and which has no bearing on the participant's right to due process) may be removed, de-identified or deleted prior to the participant viewing the record. Information removed from the case record will not be used by either party in administrative hearings or similar proceedings.

EFFECTIVE DATE:

October 7, 1991

AMENDED:

August 15, 1992 - Section 18

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 5, 1996

AMENDED:

June 30, 1997 - Section 18 (D, E, H)

REPEALED AND REPLACED:

August 1, 2001